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10 BENJAMIN TODD ELLER

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

13 JULIA HUBBARD, et al.,

14 Plaintiff(s),

15 vs.

16 TRAMMELL CROW, et al.,

17 Defendant(s).

) Case No.: 2:22-CV-7957-FAR-MAA

)
) **DECLARATION OF INDIRA J.**
) **CAMERON-BANKS**

)
) In Support of Defendant's Separate
) Statement of Facts in Response to
) March 6, 2023 Order to Show Cause
) (DKT 87)

)
) Honorable Fernando L. Aenlle-Rocha



DECLARATION OF INDIRA J. CAMERON-BANKS

A. Relevant Background

1. I am an attorney at law, duly licensed by the State Bar of California to practice before state and federal courts in this state. I am counsel of record in this matter for Defendant Benjamin Todd Eller (hereinafter, “Eller”) and, thus, principally responsible for litigating this matter on his behalf. I submit this declaration in response to the Court’s March 6, 2013 Order to Show Cause as to why this case should not be transferred pursuant to 28 U.S.C. § 1404 (Dkt. 87).

2. On March 7, 2023, I conducted a telephonic meet and confer with Plaintiff’s counsel Matthew W. Schmidt, regarding Eller’s Motion to Dismiss the Complaint. (Dkt. 93) During the call, I specifically inquired as to why images of incomplete documents were seemingly embedded in the Complaint, and where such purported documents were obtained -- specifically the images embedded into pages 20 and 22 of the Complaint. Plaintiff’s counsel responded by telling me that the documents in the Complaint were altered in order to “save room” in the Complaint, and further refused to identify the source of the documents or provide me with copies of complete documents before discovery commenced in this case.

3. However, as set forth herein, along with the attached Declaration of Benjamin Todd Eller (Eller Decl.) and exhibits, Plaintiffs and Plaintiffs’ counsel knew, or should have known that the allegations in the Complaint that are alleged to be “central to and essential” to grounding venue in this District **are false, fraudulent and/or intentionally misrepresented in the Complaint.**

4. The Complaint is generally rife with *conclusory* allegations (intended to establish venue in this District) that Eller either (a) provided sworn statements and testimony in divorce/custody court proceedings between Plaintiff Julia Hubbard and Defendant Richard Hubbard to keep Plaintiff from her child (Compl. ¶¶ 8, 130-33, 304, 310) and/or (b) intentionally made recommendations to medical doctors in Texas to drug Plaintiff Kayla Goedinghaus. (Compl. ¶¶ 14, 16, 18,

1 124,127, 138-40, 144, 288, 305) These conclusory allegations are seemingly
 2 substantiated by the images on page 20 (a purported image of sworn statements
 3 that Eller submitted to courts), and on page 22 (a purported image of
 4 recommendations made to psychiatrists in Texas).

5 5. However the image on **page 20** is an excerpt from a document that
 6 Plaintiffs and Plaintiffs' counsel knew, or should have known, is *patently*
 7 *fraudulent, forged*, and not submitted by Eller to any court.

8 6. Eller never submitted any sworn testimony or documents in Plaintiff
 9 Julia Hubbard's divorce proceeding with Richard Hubbard or participate in it.
 10 Furthermore the entire record of the divorce court proceeding confirms as much --
 11 contrary to what is alleged in the Complaint.

12 7. Further the image on **page 22**, is an excerpt from a document that
 13 Plaintiffs and Plaintiffs' counsel knew, or should have known, is *deliberately*
 14 *altered, mischaracterized*, and *misleading* because the deleted portion of the
 15 document reflects that it is signed by two separate psychologists and makes a
 16 recommendation to only Plaintiff Kayla Goedinghaus, and not any third parties.

17 **B. Eller Did Not Submit Any Testimony In Plaintiff Julia Hubbard's**
 18 **Divorce/Custody Court Proceeding with Defendant Richard Hubbard.**

19 8. The Complaint repeatedly alleges that Eller submitted sworn
 20 testimony in a divorce and/or custody court proceeding between Plaintiff Julia
 21 Hubbard and Richard Hubbard, another named defendant. (Compl. ¶¶ 8, 130-33,
 22 304, 310)

23 9. I searched County Court Records in Texas and located only two
 24 divorce proceedings between these two individuals,

25 a. The recent proceeding initiated on October 3, 20219 resulting
 26 in divorce in April 2022, Richard Hubbard v. Julia Hubbard, Case No. D-1-
 27 FM-19-006725, before the 201st District Court for Travis County, Texas,
 28

1 which is the proceeding specifically identified in the Complaint as the basis
 2 Eller's purported liability (Compl. ¶132); and

3 b. An additional divorce proceeding initiated on May 1, 2017 but
 4 abandoned for lack of prosecution, Richard Hubbard v. Julia Hubbard, Case
 5 No. 2017CI07925, before the 407th District Court for Bexar County, Texas.
 6 Attached hereto as **Exhibit A**, is a true and accurate copy of the docket for these
 7 two divorce proceedings, Case No. D-1-FM-19-006725, ("2019 Proceeding"), and
 8 Case No. 2017CI07925 ("2017 Proceeding").

9 10. I ordered the filings from the 2019 Proceeding from the Travis County
 10 District Clerk's Office, and attached hereto as **Exhibit B**, is a true and accurate
 11 copy of the documents filed in that matter. This is the court proceeding
 12 specifically referenced in the Complaint. (Compl. ¶ 132)

13 11. While the Complaint specifically alleges that Eller submitted a signed
 14 document to a Court on October 3, 2019, there is nothing "submitted" by Eller on
 15 that date, or anywhere else in the case because Eller never submitted any written
 16 statement, affidavit or sworn testimony in any Texas court proceeding or any
 17 divorce proceeding between Julia Hubbard and Richard Hubbard. (Eller Decl. ¶ 7-
 18 8; **Exhibit B**, page 1-283)

19 12. The Complaint repeatedly, and falsely, states that Eller submitted
 20 sworn testimony, statements made under oath and/or affidavits in the divorce
 21 proceedings. (Compl. ¶¶ 130, 304, 310) However, ***there are no sworn statements***
 22 ***or affidavits from Eller*** reflected anywhere in the record, and indeed none exist.
 23 (Eller Decl. ¶ 7-8; **Exhibit B**, page 1-283) This is a fact that was easily
 24 ascertainable, and was known, or should have been known to, both Plaintiff and
 25 Plaintiff's counsel prior to the filing of this Complaint.

26 ///

27 ///

1 **1. The Image on Page 20 of the Complaint is Patently False and**
 2 **Forged.**

3 13. The image on page 20 of the Complaint appears to be from a
 4 document in the record of the 2019 Proceeding containing Eller's signature.
 5 (Compl ¶ 132; Exhibit **B**, pages 100-101) However, the letter is *submitted by*
 6 *Richard Hubbard himself* to the Travis County Court on February 7, 2020 at 9:32
 7 a.m., attached to his *own* request and statement to the Court in advance of a
 8 hearing held that same afternoon. (Exhibit **B**, pages 94-99 [Hubbard statement]
 9 and 94-119 [Hubbard statement and attachments]).

10 14. Eller did not write this letter, did not authorize the letter, or the use of
 11 his signature or logo on the letter or its contents. (Eller Decl. ¶ 8) Eller did not
 12 know about the letter until recently through this litigation. (Id. at ¶ 8-11) Eller has
 13 not submitted any statements or documents in any divorce/custody court
 14 proceedings between Richard and Julia Hubbard. (Id. at ¶7-8) Eller has filed a
 15 criminal report for *identity theft and forgery* against Rick Hubbard for this letter.
 16 (Id. at ¶ 9-11)

17 15. The letter contained in the 2019 Proceeding court record, and partially
 18 reflected in the Complaint is *patently forged and/or fabricated*. Hubbard's
 19 statement (**Exhibit B**, pages 94-99), and the letter (**Exhibit B**, pages 100-101) is
 20 written in a rambling stream of consciousness, with odd syntax that is not plausibly
 21 written by any sort of professional, let alone a psychologist, and seems very likely
 22 to have been written by Richard Hubbard himself given that it was submitted with
 23 his statement.

24 a. Not even the family court believed the letter was real or
 25 authentic. At the February 7, 2020 afternoon hearing where the statement
 26 and purported letter was to be considered, Richard Hubbard recognized
 27 that "Judge refused to consider that the child's therapists were real, . . .
 28

1 did not consider the testimony and documents offered.”¹ (**Exhibit B**,
2 page 130)

3 b. It is almost impossible to believe that Plaintiff Julia Hubbard
4 herself ever believed the letter was authentic and real since she not only
5 repeatedly references Richard Hubbard’s criminal fraud convictions and
6 conduct in the 2019 Proceeding itself, and in the Complaint, (**Exhibit B**,
7 pages 37,180, and 224; Compl. ¶¶ 104 and 190), but was also present at
8 the February 7, 2020 hearing where the purported letter was presented,
9 ignored, and she was granted exclusive custody of her child.² (**Exhibit**
10 **B**, page 86)

11 c. It seems implausible that Plaintiffs’ counsel could have
12 believed the letter was written by a psychologist, and further, it is
13 impossible for a lawyer to accurately characterize the patently forged
14 letter as any sort of “sworn testimony” or “affidavit” submitted by Eller
15 in a court proceeding. (Compl. ¶¶ 130, 304, 310)

16 16. In light of Richard Hubbard’s past criminal conduct which includes
17 convictions for fraud, Eller is concerned about the full extent of Richard Hubbard’s
18 fraud, identity theft, and forgery – especially since even this instant lawsuit is
19

20 ¹ The 2019 Proceeding record reflects that Richard Hubbard submitted his
21 statement and exhibits at 9:32 a.m. on February 7, 2020, in advance of the hearing
22 concluding at or around 3:50 p.m. that same day where the Court granted Julia
23 Hubbard was granted exclusive custody of their minor child (**Exhibit B**, pages 86
24 and 94) While Richard Hubbard challenged the Court’s order several days later
25 with a filing on February 12, 2020 seeking rehearing on the matter, he showed up to
26 the hearing on March 9, 2020 in custody and shackled, promptly abandoning his
27 request for custody. (**Exhibit B**, pages 130 and 250)

28 ² Further, given her profession as a “criminal profiler” and “fraud” investigator she
knew, or should have known, the letter was fraudulent prior to filing of the
Complaint. <https://www.amaralegal.org/ambassador-program/> (last accessed on
March 21, 2023)

1 purportedly based on this a document forged by him -- and thus, my office
 2 contacted the Travis County Sheriff's Office, which directed Eller to lodge a
 3 criminal complaint with the local police department that in turn can coordinate
 4 with the Texas law enforcement agency. On March 17, 2023, Eller lodged a
 5 complaint with the Glendale Police Department, which issued a criminal report
 6 about Richard Hubbard's forgery, impersonation and possible identity theft of Eller
 7 and his practice. (Eller Decl. ¶¶9-11)

8 **C. The Image on Page 22 of the Complaint is Deliberately Altered and**
 9 **Misleading.**

10
 11 17. The Complaint embeds an image of on page 22 that is *falsely* alleged
 12 to be one of many "written recommendations" made by Eller to individuals
 13 identified as "Medical Doctor Defendants" for prescriptions, seemingly intended to
 14 bolster the overall conclusory narrative that Eller ran the purported human
 15 trafficking venture at issue in the Complaint by procuring drugs.³ (Compl. ¶¶ 14,
 16 16, 18, 124,127, 138-40, 144, 288, 305) It is an excerpt from a letter, but the true
 17 and accurate copy of the complete letter provided to Kayla Goedinghaus on
 18 January 25, 2019 is attached hereto as **Exhibit C** to Eller's Declaration.

19 18. Eller did not write *any* recommendations to any third parties or
 20 medical doctors about Kayla Goedinghaus. (Eller Decl. ¶¶4-6) The letter embedded
 21 on page 22 of the Complaint was altered in a way that notably leaves out two
 22 critical points undermining the Complaint's overall narrative:

- 23 a. First, the letter is a recommendation made by *two separate*
 24 *psychologists that both signed the letter* – not just Eller; (**Exhibit C**) and
- 25 b. Second, the complete letter has an express recommendation

26
 27 ³ However, it is undisputed that Eller was both factually and legally prohibited
 28 from prescribing, monitoring, procuring, securing or otherwise obtaining
 prescription medication for anyone. (Compl. ¶ 14, 139; Mtn. [Dkt. 93])

1 made directly *to Kayla Goedinghaus to find a psychiatrist on her own* in
2 her local area (presumably in Texas) to deal with conditions and medications
3 she self-reported to Eller. (**Exhibit C**)

4 As such the full, accurate and complete letter cannot support the conclusion that
5 Eller was making recommendations to Medical Doctor Defendants to procure
6 drugs because (1) the letter expressly and specifically makes a recommendation *to*
7 *Plaintiff Goedinghaus herself* -- not any third parties -- to find a psychiatrist in her
8 local area; and (2) the recommendation was reviewed and signed off on by *two*
9 *different psychologists*. (**Exhibit C**; Eller Decl. ¶¶ 5-6) These material details --
10 patently obvious on the face of the letter -- were deliberately removed in the
11 altered image embedded in the Complaint.

12 * * *

13 Under penalty of perjury, and in accordance with 28 U.S.C. § 1746, I declare
14 the foregoing to be true and correct to the best of my knowledge and belief.

15 Executed this 24th day of March 2023, at Los Angeles County, California.

16
17 
18 /s/Indira J. Cameron-Banks